

REMARKS

This response is submitted in reply to the Office Action mailed February 28, 2007 ("the Action"). Claims 17-67 are pending in the application. Of these claims, Claims 30-67 have been withdrawn by the Examiner from consideration (as directed to sub-combinations IIB-IIE). Claims 30-62 have been canceled without prejudice to advance prosecution subject to pursuit in a divisional application. Claims 17-29 stand rejected.

I. The §112, 2nd Paragraph Rejections

The Action rejects Claims 17-29 under §112, 2nd paragraph because in Claim 17, lines 12 and 13 it is unclear as to what the term "the casing horn" refers to. Applicant has amended this term to "the second horn" to more clearly recite the member. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

II. Allowable Subject Matter

Applicant acknowledges, with appreciation, the Examiner's statement at p.4 of the Action that Claims 18-20, 22-24, 28 and 29 would be allowable if rewritten into independent form and to address the §112, 2nd paragraph rejections. Claims 18, 20, 22, 23 and 28 have been placed in independent form incorporating the subject matter of Claim 17 (as corrected above). Claims 19, 24 and 29 depend from one of the amended claims. As such, Applicant respectfully submits that Claims 18-20, 22-24, 28 and 29 are in condition for allowance which action is respectfully requested.

III. The Art Rejections

Substantively, the Action rejects Claims 17, 21, 26 and 27 as being anticipated by U.S. Patent No. 4,991,260 to Nausedas ("Nausedas") and rejects Claim 25 as being obvious in view of Nausedas. The Action alleges that Nausedas teaches an apparatus with interchangeable horns for engaging a fill/product pump and supplying elongate casings. The Action points to a first horn 24 or 28 that is releasably mounted to the housing support structure, a horn rotor assembly 20 (really a rotating turret) with an allegedly pivotable horn and intermediate pipe segment 14 or 16.

Applicant respectfully submits that Nausedas proposes a turret holding a trio of stuffing horns, not interchangeably mountable horns. Also, and notably, although the turret rotates to index the different horns 24, 26, 28, Applicant was unable to find that the horns are pivotable. Rather, the turret rotates so that two of the stuffing horns are in stuffing position and the production of stuffed product alternates between the two horns. The third horn is available for receiving a supply of casing and is moved into position by indexing the turret. In contrast, Claim 17 recites:

17. An apparatus with interchangeable horns for engaging a filler/product pump and supplying elongate casings for encasing products therein, comprising:
a housing having a support structure and opposing upstream and downstream end portions;
a first horn releasably mountable to the housing support structure, the first horn having a length, an outer surface and an internal flow channel therein, wherein, in operation, the first horn is configured to direct casing material to travel over the outer surface while product travels through the internal flow channel; and
a horn rotor assembly releasably mountable to the housing support structure, the horn rotor assembly comprising a pivotable second horn with an outer surface and an intermediate pipe segment, each having a respective internal flow channel therein, wherein the second horn has an operative position whereby the second horn is in axial alignment with the intermediate pipe segment and a loading position whereby the second horn pivots laterally away from the operative position and the intermediate pipe segment, and wherein, in operation, product travels through the intermediate flow channel into the pivotable second horn while the second horn is adapted to allow a supply of casing material to travel over the outer surface thereof.

Applicant respectfully submits that Claim 17 is patentable over the cited references for at least the emphasized features. Applicant also submits that Claims 21, 26 and 27 are patentable for depending from a patentable base claim and/or for reciting independently patentable features.

IV. New Claims

Applicant has added new dependent Claims 68-73 to form a more complete claim set. The claims are supported by the figures and/or specification. Applicant submits that the new

claims recite allowable subject matter. For example, the first horn is statically mounted to the housing support structure, only one of the first and second horns is mounted to the apparatus during any one time, the angle of lateral pivoting movement is between 15 and 75 degrees(p. 13), and the like.

V. The Withdrawn Claims

Applicant respectfully requests that the withdrawn sub-combination system claims (identified as Group IIE) be allowed for reciting allowable subject matter.

Claim 63 recites:

A system for producing encased products using selectable first and second horns to thereby produce products in selectable different casing types, comprising:

an apparatus having a releaseably mountable first horn that, in operation, is configured to be in fluid communication with a filler pump located upstream thereof, the first horn configured and sized to flow product therethrough and to cooperate with the apparatus to form, seal and/or guide seamed casing material thereabout; and

a releaseably mountable second horn assembly comprising an intermediate pipe segment in fluid communication with a second horn, wherein, in operation, the second horn assembly is configured to replace the first horn and be in fluid communication with the filler pump for flowing product therethrough after the first horn is dismounted from the apparatus, wherein the second horn has an operative position whereby the second horn is in axial alignment with the intermediate pipe segment and a casing loading position whereby the second horn pivots laterally away from the operative position and the intermediate pipe segment.

Applicant respectfully submits that Claims 63-67 are in condition for allowance, which action is respectfully requested. As stated at MPEP 803 Restriction – When Proper ...If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. Applicant respectfully submits that the above-emphasized features are recited in other pending claims and the maintenance of these claims in this application is appropriate.

In re: Thomas E. Whittlesey et al.
Application No. 10/729,282
Filed: December 5, 2003
Page 13

CONCLUSION

Accordingly, Applicant submits that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,



Julie H. Richardson
Registration No. 40,142

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on May 1, 2007.

Signature: _____


Rosa Lee Brinson